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9 **UNITED STATES DISTRICT COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA**

11 GREGORY BRUCE WHALING, JR.

12 Plaintiff,

13 vs.

14 COUNTY OF RIVERSIDE, ROBERT
15 GLASER, and DOES 1 through 10,
INCLUSIVE,

16 Defendants.

17 Case No.: 5:23-cv-01817-DSF-SPx

18 **STIPULATED PROTECTIVE
ORDER**

19 **UNITED STATES MAGISTRATE
JUDGE SHERI PYM**

20 **UNITED STATES DISTRICT
JUDGE DALE S. FISCHER**

21 **[NOTE ¶ 12 ADDED BY COURT]**

22 **COME NOW** the parties this action, plaintiff Gregory Bruce Whaling, Jr.,
23 by and through his counsel of record, Jerry L. Steering, LAW OFFICE OF JERRY
24 L. STEERING, and defendants County of Riverside and Robert Glaser, by and
25 through their counsel of record, Ricardo Baca, DEAN GAZZO ROISTACHER
26 LLP, and Stipulate and Agree that a Protective Order issue in this case for the
Internal Affairs Investigation of defendant Robert Glaser for his actions during the
subject September 14, 2022 incident complained of in this case, the terms of which
27 to be shown below:

28 **STIPULATION FOR PROTECTIVE ORDER AND PROTECTIVE ORDER**

1
2 **IT IS SO STIPULATED:**

3 **LAW OFFICE OF JERRY L. STEERING**

4 Dated: June 26, 2024

/s/ Jerry L. Steering

5 JERRY L. STEERING, ATTORNEY FOR
6 PLAINTIFF GREGORY BRUCE WHALING, JR.

7 **DEAN GAZZO ROISTACHER LLP**

8 Dated: June 26, 2024

/s/ Ricardo Baca

9 RICARDO BACA, ATTORNEY FOR
10 DEFENDANTS COUNTY OF RIVERSIDE and
ROBERT GLASER

11
12 **PROTECTIVE ORDER**

13
14 **IT IS HEREBY ORDERED** that the any document, recordings and other
15 items of evidence produced by defendants County of Riverside and/or Robert
16 Glaser to the plaintiff obtained or created pursuant to defendant County of
17 Riverside's / Riverside County Sheriff's Department's Internal Affairs
18 Investigation of defendant Robert Glaser's actions during the September 14, 2022
19 incident complained of in this case be deemed "CONFIDENTIAL PEACE
20 OFFICER PERSONNEL RECORDS", and shall only be disclosed and
21 disseminated as follows until further order of this court or of a court of competent
jurisdiction:

22
23 **CONFIDENTIAL DOCUMENTS:**

24 The following categories of documents are deemed to be "CONFIDENTIAL
25 PEACE OFFICER PERSONNEL RECORDS" for the purpose of this Order:

26 1. Any documents or other items, including but not limited to audio
and/or video recordings, reports, recordings, letters, emails, texts, memorandum

1 and other “written”¹ documents / items, footage, photographs, and/or audio
2 recordings, which defendants produce to the plaintiff in this action that are records
3 (documents, recordings and other items) that are exclusively kept in defendant
4 Riverside County Sheriff’s Department deputy sheriff Robert Glaser’s peace
5 officer’s personnel file at the Riverside County Sheriff’s Department regarding,
6 obtained, created or generated pursuant to the Internal Affairs Investigation of
7 defendant Robert Glaser’s actions during the September 14, 2022 incident
8 complained of in this action.

9 2. CONFIDENTIAL PEACE OFFICER PERSONNEL RECORDS
10 material may not be disclosed, except as provided in paragraph 4, without first
11 applying to this Court, or to some other court of competent jurisdiction including
12 state courts, for an order removing the “CONFIDENTIAL PEACE OFFICER
13 PERSONNEL RECORDS” designation from any such documents, or otherwise
14 from relief in some other way from the confidentiality provisions of this Protective
15 Order.

16 3. If a Party is served with a subpoena or a court order issued in other
17 litigation that compels disclosure of any information or items designated in this
18 action as confidential material, that Party must:

19 (a) Promptly notify in writing the Designating Party. Such notification
20 shall include a copy of the subpoena or court order;

21 (b) Promptly notify in writing the party who caused the subpoena or order
22 to issue in the other litigation that some or all of the material covered by the

23
24
25 ¹ Written in the sense of either actually handwritten or typed on an actual piece of
26 paper / other physical material, or, in the sense of some type of computer / electronic document
27 that is stored in electronic / digital (or even analog) format on some sort of computer or other
electronic device, such as a “Word doc. / Word docx.”, a .pdf document or some other
electronically created or stored document.

1 subpoena or order is subject to this Protective Order. Such notification shall
2 include a copy of this Stipulated Protective Order.

3 Nothing in this Order is intended or should be construed as authorizing or
4 encouraging a party to disobey a lawful subpoena.

5 Nothing in this Order is intended or should be construed so as to prevent
6 dissemination of the otherwise protected CONFIDENTIAL PEACE OFFICER
7 PERSONNEL RECORDS to any law enforcement agency.

8 4. CONFIDENTIAL PEACE OFFICER PERSONNEL RECORDS
9 material may be disclosed only to the following persons:

10 (a) Counsel for any party and any party to this litigation;

11 (b) Any party to this litigation

12 (c) Any Paralegal, investigator, stenographic, clerical and secretarial
13 personnel regularly employed by counsel referred to in (a);

14 (d) Any Court personnel, including stenographic reporters engaged in
15 such proceedings as are necessarily incidental to preparation for the trial of this
16 action; and

17 (e) Any expert or consultant retained in connection with this action.

18 (f) Other persons, but only pursuant to either agreement of either of the
19 defendants to this action.

20 5. Nothing in paragraph 4 is intended to prevent officials or employees
21 of the County of Riverside or other authorized governmental officials from having
22 access to the documents if they would have had access in the normal course of
23 their job duties.

24 6. Further, nothing in this order prevents a witness from disclosing
25 events or activities personal to him or her, that is, a witness can disclose to others
26 information previously given to the County of Riverside with respect to what he or
27 she saw, heard, or otherwise sensed.

28 STIPULATION FOR PROTECTIVE ORDER AND PROTECTIVE ORDER

1 7. Moreover, any document items or thing that are in the possession of
2 the parties to this action (or in the possession of third parties) that is not presently
3 protected by any such protective order, that has already been disclosed to the other
4 parties in this action or is otherwise already in the public domain, are not protected
5 by this instant protective order.

6 8. Each person to whom disclosure of "CONFIDENTIAL PEACE
7 OFFICER PERSONNEL RECORDS" documents is made, with the exception of
8 counsel, who have appeared of record in this case (or who are being consulted in
9 this case by counsel in this case) and are presumed to know the contents of this
10 protective order, and of the Court (including its clerks, reporters, personnel and
11 staff), shall, prior to the time of disclosure, be provided by the person furnishing
12 him/her such material a copy of this order and shall be informed that compliance
13 with the confidentiality provisions of this Protective Order are mandatory and
14 subject to contempt of this Honorable Court for a violation of those provisions.

15 9. If a party seeks to file or lodge any CONFIDENTIAL PEACE
16 OFFICER PERSONNEL RECORDS material or information which is the subject
17 of this Protective Order, the materials to be filed or lodged must be accompanied
18 by an application to file under seal in accordance with the Local Rules of the
19 District Court. CONFIDENTIAL PEACE OFFICER PERSONNEL RECORDS
20 material may only be filed under seal pursuant to a court order authorizing the
21 sealing of the specific confidential material at issue, unless any such application to
22 file or lodge these materials under seal is denied by the District Court.

23 10. The provisions of this order in so far as they restrict the disclosure and
24 use of the protected CONFIDENTIAL PEACE OFFICER PERSONNEL
25 RECORDS shall be in effect until further order of this Court or of some court of
26 competent jurisdiction, including state courts.

27 11. The foregoing is without prejudice to the right of any party:

28 STIPULATION FOR PROTECTIVE ORDER AND PROTECTIVE ORDER

(a) To apply to the District Court or to some court of competent jurisdiction, including state courts, for a further protective order relating to confidential material or relating to discovery in this litigation or to amend or vacate this Protective Order;

(b) To apply to the Court for an order removing the confidential material designation from any documents; and

(c) To apply to the Court for an order compelling production of documents or modification of this order or for any order permitting disclosure of confidential material beyond the terms of this order.

10 12. Any use of CONFIDENTIAL PEACE OFFICER PERSONNEL
11 RECORDS at trial shall be governed by the orders of the trial judge. This Order
12 does not govern the use of CONFIDENTIAL PEACE OFFICER PERSONNEL
13 RECORDS at trial.

IT IS SO ORDERED:

Dated: June 28, 2024

**SHERI PYM
UNITED STATES MAGISTRATE JUDGE**